Supreme Court, U.S.
FILED
JUL 14 2005
OFFICE OF THE CLERK

No. 04-593

In the Supreme Court of the United States

DOMINO'S PIZZA, LLC, DOMINO'S PIZZA, INC., AND DEBBIE PEAR,

PETITIONERS,

v.

JOHN MCDONALD,

RESPONDENT.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

JOINT APPENDIX

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PETITION FOR CERTIORARI FILED NOVEMBER 1, 2004
CERTIORARI GRANTED APRIL 25, 2005

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United States District Court for the District of Nevada Relevant Docket Entries: *McDonald v. Domino's Pizza, LLC, et al.*, No. CV-S-02-0311-LRH-PAL 5

ITEMS PREVIOUSLY REPRODUCED

In accordance with Supreme Court Rule 26.1, the following items have been omitted in printing this joint appendix because they appear on the following pages of the appendix to the Petition for a Writ of Certiorari (Nov. 1, 2004)

Unpublished Opinion of the United States Court of Appeals for the Ninth Circuit, *McDonald v. Domino's Pizza, Inc., et al.*, No. 02-16900 (9th Cir. June 18, 2004) ..... App. 1

Order, *McDonald v. Domino's Pizza, LLC, et al.*, No. CV-S-02-0311-LRH (PAL) (D. Nev. Aug. 21, 2002) ..... App. 3

Order denying rehearing, *McDonald v. Domino's Pizza, Inc., et al.*, No. 02-16900 (9th Cir. Aug. 2, 2004) ..... App. 8

Verified Complaint and Demand for Jury Trial, *McDonald v. Domino's Pizza, LLC*, No. CV-S-02-0311-LRH-PAL (D. Nev. Mar. 8, 2002) ..... App. 9

RELEVANT DOCKET ENTRIES

McDonald v. Domino's Pizza, Inc., et al.

United States Court of Appeals
for the Ninth Circuit

No. 02-16900

10/1/02	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N) : no. setting schedule as follows: appellant's opening brief is due 11/12/02; appellees' brief is due 12/12/02, ; appellants' reply brief is due 12/26/02; [02-16900] (dg)
10/1/02	Filed certificate of record on appeal RT filed in DC N/T [02-16900] (dg)
10/1/02	Filed Civil Appeals Docketing Statement served on (to CONFATT) [02-16900] [02-16900] (dg)
10/3/02	Amended first page of the DC docket sheet to show that the jurisdiction is a federal question not a U.S. plaintiff. (casefile) [02-16900] (dg)
	* * *
1/13/03	Filed original and 15 copies Appellant John McDonald's opening brief (Informal: NO) 26 pages and five excerpts of record in 1 volumes; served on 1/9/03 [02-16900] (sm)
	* * *

2/24/03	Filed original and 15 copies appellees Domino's Pizza, Inc. and Debbie Pear's 22 pages brief, 1 Exc. vols; served on 2/21/03 [02-16900] (sm)
	* * *
3/25/03	Filed original and 15 copies John McDonald reply brief, (Informal: n) 18 pages; served on 3/24/03 [02-16900] (ji)
	* * *
4/23/03	FILED CERTIFIED RECORD ON APPEAL: 1 CLERK'S RECORD & 1 REPORTER'S TRANSCRIPT. (ORIGINAL) [02-16900] (sd)
	* * *
10/10/03	CALENDARED: SAN FRAN Dec 5 2003 900 am Courtroom 4 ** moved to THU Dec 4 2003 900 am ** [02-16900] (aw)
11/26/03	Filed order (Diarmuid F. O'SCANNLAIN, Michael D. HAWKINS, Raymond C. FISHER,): At oral argument, the parties shall be prepared to discuss RK Ventures, Inc. v. City of Seattle, 307 F.3d 1045, 1057 (9th Cir. 2002). (PHONED OUT 5:05) [02-16900] (hh)
12/4/03	ARGUED AND SUBMITTED TO Diarmuid F. O'SCANNLAIN, Michael D. HAWKINS, Raymond C. FISHER [02-16900] (wf)

6/18/04	FILED MEMORANDUM DISPOSITION: REVERSED AND REMANDED (Terminated on the Merits after Oral Hearing; Reversed and Remanded; Written, Unsigned, Unpublished. Diarmuid F. O'SCANNLAIN, Michael D. HAWKINS, Raymond C. FISHER) FILED AND ENTERED JUDGMENT. [02-16900] (ji)
7/6/04	Filed motion and deputy clerk order: (Deputy Clerk: ji) granting motion & order to extend time to file a petition for rehearing. PFR/EB due 7/9/04. (Motion recvd 7/6/04) [02-16900] (ji)
7/6/04	Filed original and 50 copies Appellee Domino's Pizza, Inc., Appellee Debbie Pear petition for panel rehearing and petition for rehearing en banc 10 p.pages, served on 7/2/04 (panel and active judges) [02-16900] (ji)
7/8/04	Check number 105520 in the amount of 250.00 returned to Beckley Singleton, 530 Las Vegas BLVD, S, Las Vegas, NV 89101. (see case file) [02-16900] (rr)
8/2/04	Filed order (Diarmuid F. O'SCANNLAIN, Michael D. HAWKINS, Raymond C. FISHER,): The petition for rehearing and the petition for rehearing en banc are denied. [02-16900] (ji)
8/10/04	MANDATE ISSUED [02-16900] (ji)

11/8/04	Received notice from Supreme Court: petition for certiorari filed Supreme Court No. 4-593 filed on 11/1/04. [02-16900] (ji)
5/2/05	Received notice from Supreme Court, petition for certiorari GRANTED on 4/25/05 . Supreme Court No. 4-593 (panel) (ji)

McDonald v. Domino's Pizza, LLC, et al.

United States District Court for the District of Nevada

No. CV-S-02-0311-LRH-PAL

Doc. #: **Date Filed:** 5/10/2002
Status: / **EOD:**
Docket Type: EVENT
Docket Title: SUMMONS ISSUED
Judge:
Caption: (1) as to Dfts.

Doc. #: **Date Filed:** 3/13/2002
Status: / **EOD:**
Docket Type: EVENT
Docket Title: SUMMONS ISSUED
Judge:
Caption: (3) as to Dfts.

* * *

Doc. #: 1 **Date Filed:** 3/8/2002
Status: **EOD:**
Docket Type: COMPLAINT
Docket Title:
Judge:
Caption: by Plf w/jy dmd and receipt #56473

* * *

Doc. #: 3 **Date Filed:** 3/20/2002
Status: / **EOD:**
Docket Type: CERTIFICATE OF INTERESTED PARTIES
Docket Title:
Judge:
Caption: by Plf. (nss)

Doc. #: 4 **Date Filed:** 4/1/2002
Status: / **EOD:**
Docket Type: SUMMONS SERVED
Docket Title:
Judge:
Caption: upon Dft Domino's Pizza, LLC on 3/25/02.

Doc. #: 5 **Date Filed:** 4/1/2002
Status: / **EOD:**
Docket Type: SUMMONS SERVED
Docket Title:
Judge:
Caption: upon Dft Domino's Pizza, Inc. on 3/25/02.

Doc. #: 6 **Date Filed:** 4/5/2002
Status: / **EOD:**
Docket Type: SUMMONS SERVED
Docket Title:
Judge:
Caption: upon Dft Debbie Pear-Phillips on 3 /27/02.

Doc. #: 7 **Date Filed:** 4/17/2002

Status: Disposed **EOD:**

Docket Type: MOTION/DISPOSITIVE

Docket Title: DISMISS

Judge:

Caption: by Dfts. (m) DISPO: oppo (#11), supp (#13), reply (#15), reply (#16), orders (#17,25), reply (#27) GRANTED per (#28)

Doc. #: 8 **Date Filed:** 4/17/2002

Status: Disposed **EOD:**

Docket Type: MOTION/NON-DISPOSITIVE

Docket Title: QUASH

Judge:

Caption: by Dfts. to quash svc of sums. (m) DISPO: oppo (#12), reply (#15), order (#25) MOOT per (#28)

Doc. #: 9 **Date Filed:** 4/18/2002

Status: / **EOD:**

Docket Type: OTHER

Docket Title: REQUEST

Judge:

Caption: Req by Dfts for oral argument on Dfts' mtn to dism (#7). (m)

Doc. #: 10 **Date Filed:** 4/18/2002

Status: / **EOD:**

Docket Type: OTHER

Docket Title: REQUEST

Judge:

Caption: by Dfts for oral argument on Dfts' mtn to quash svc of sums. (m)

Doc. #: 11 **Date Filed:** 5/6/2002

Status: / **EOD:**

Docket Type: RESPONSE

Docket Title: OPPOSITION

Judge:

Caption: by Plf to Dfts' mtn to dism (#7). (m)

Doc. #: 12 **Date Filed:** 5/6/2002

Status: / **EOD:**

Docket Type: RESPONSE

Docket Title: OPPOSITION

Judge:

Caption: by Plf to Dfts' mtn to quash (#8). (m)

Doc. #: 13 **Date Filed:** 5/9/2002

Status: / **EOD:**

Docket Type: SUPPLEMENT

Docket Title:

Judge:

Caption: by Plf to Plf's oppo (#11) to Dfts' mtn to dism (#7). (m)

* * *

Doc. #: 15 **Date Filed:** 5/17/2002
Status: / **EOD:**
Docket Type: RESPONSE
Docket Title: REPLY
Judge:
Caption: by Dfts to Dfts' mtn to dism (#7)/quash (#8). (m)

Doc. #: 16 **Date Filed:** 5/17/2002
Status: / **EOD:**
Docket Type: RESPONSE
Docket Title: REPLY
Judge:
Caption: by Dfts to Dfts' mtn to dism (#7). (m)

Doc. #: 17 **Date Filed:** 6/26/2002
Status: / **EOD:**
Docket Type: ORDER
Docket Title:
Judge: LRH
Caption: that Dfts' mtn to dism (#7) is sched for hrg on 8/13/02 @ 1:00 pm. (cps dist)

* * *

Doc. #: 25 **Date Filed:** 8/13/2002

Status: / **EOD:**

Docket Type: MINUTES OF PROCEEDINGS

Docket Title: HEARING

Judge: LRH

Caption: re mtn hrg on 8/13/02. ORDERED cnsl may add briefing until 8/16/02. ORDERED matter is taken under sub and will issue a ruling within 2-3 weeks. Ct rptr: Felecia Zabin. (cps dist)

* * *

Doc. #: 27 **Date Filed:** 8/16/2002

Status: / **EOD:**

Docket Type: RESPONSE

Docket Title: REPLY

Judge:

Caption: (Supp) by Dfts to Dft's mtn to dism (#7). (m)

Doc. #: 28 **Date Filed:** 8/21/2002

Status: / **EOD:**

Docket Type: Order

Docket Title:

Judge: LRH

Caption: that Dft's mtn to dism (#7) is granted. Dfts' mtn to quash (#8) is denied as moot. Clerk shall close file. (cps dist)

Doc. #: 29 **Date Filed:** 8/22/2002

Status: **EOD:**

Docket Type:
JUDGMENT

Docket Title:

Judge: LSW

Caption: that Dfts' mtn to dism (#7) is granted. Jgm is entered in favor of Dfts and against Plf. (cps dist)

Doc. #: 30 **Date Filed:** 9/18/2002

Status: **EOD:**

Docket Type: NOTICE OF APPEAL

Docket Title:

Judge:

Caption: by Plf to jgm (#29) and order (#28). (m)

Doc. #: 31 **Date Filed:** 9/18/2002

Status: / **EOD:**

Docket Type: RECEIPT OF PAYMENT

Docket Title:

Judge:

Caption: by Plf of $105.00 appeal filing fee w/receipt #61556.

Doc. #: 32 **Date Filed:** 9/23/2002

Status: / **EOD:**

Docket Type: TRANSMITTAL

Docket Title:

Judge:

Caption: (Copy) by Clerk of ntc of appeal (#30), jgm (#29), order (#28), cv appeals docketing stmt, and cert copy of docket sheet. (cps dist)

Doc. #: 33 **Date Filed:** 10/7/2002

Status: / **EOD:**

Docket Type: TRANSMITTAL

Docket Title:

Judge:

Caption: (Returned) by USCA of ntc of appeal w/case #02-16900.

* * *

Doc. #: 35 **Date Filed:** 12/9/2002

Status: **EOD:**

Docket Type: ORDER

Docket Title:

Judge: 9CA

Caption: by USCA that appeal will not be included in Mediation Program.

Doc. #: 36 **Date Filed:** 3/3/2003

Status: **EOD:**

Docket Type: TRANSCRIPT OF PROCEEDINGS

Docket Title: HEARING

Judge:

Caption: held 8/13/02 re Def's Mtn to Dism (#7) & Mtn to Quash (#8) (c/r F. Zabin)

Doc. #: 37 **Date Filed:** 4/17/2003

Status: **EOD:**

Docket Type: TRANSMITTAL

Docket Title:

Judge:

Caption: to C/A re Rcrd on Appeal shipped to C/A this date via UPS – 1 vol clks recrd. cpys dist.

Doc. #: 38 **Date Filed:** 5/12/2003

Status: **EOD:**

Docket Type: TRANSMITTAL

Docket Title:

Judge:

Caption: Reporters transcript (1) sent to C/A rec. 4/23/03

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Doc. #: 40 **Date Filed:** 6/21/2004
Status: **EOD:**
Docket Type: MEMORANDUM
Docket Title:
Judge: 9CA
Caption: by USCA that action is reversed and remanded.

Doc. #: 41 **Date Filed:** 8/12/2004
Status: **EOD:**
Docket Type: MEMORANDUM
Docket Title:
Judge: 9CA
Caption: by USCA that action is reversed and remanded.

Doc. #: 42 **Date Filed:** 8/12/2004
Status: Disposed – 43 **EOD:**
Docket Type: JUDGMENT
Docket Title:
Judge: 9CA
Caption: by USCA that action is reversed and remanded.

Doc. #: 43 **Date Filed:** 8/24/2004
Status: Disposed – 44 **EOD:**
Docket Type: ORDER ON MANDATE
Docket Title:
Judge: LRH
Caption: that district court jgm is reversed and remanded. (cps dist)

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